



Environmental Mitigation That Works

GMAP June 27, 2007

Presentation Overview

- Problem Statement
- Core performance measures
- Progress report since last GMAP
- Current activities
- Focus area: Compliance
- Next steps/Emerging issues





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Problem: The failure of approved mitigation sites is as high as 50%, meaning we are failing to achieve our mandate of “No Net Loss” under the Clean Water Act.

Two Major Goals

- 100% success rate for mitigation projects
- Improved predictability and efficiency for permit applicants

What It Is

- Improving success of traditional mitigation
- Promoting alternative mitigation approaches
- Increasing protection for wetlands and shorelands through guidance and tools that help determine the best areas to protect, restore and develop





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Strategies

Guidance and Tools

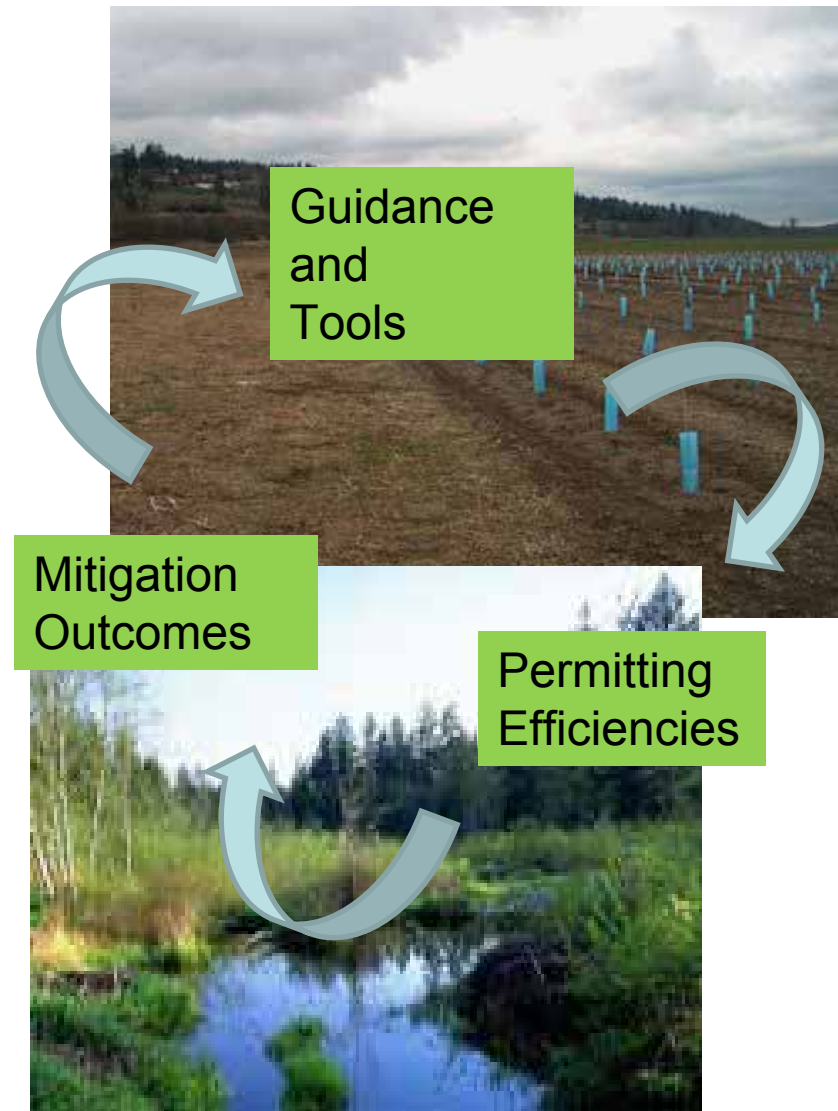
- 2006 Mitigation Guidance
- 2005 Watershed Characterization

Permitting Efficiencies (e.g.)

- Multi-Agency Permit Teams
- Joint Aquatic Review Permit Application (JARPA) coordination
- Programmatic mitigation areas

Mitigation Outcomes

- Wetland Banking
- Advance Mitigation
- Improved permittee-developed mitigation





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Sustaining our remaining wetlands for people, fish and wildlife

Core Performance Measures

- Improve the success rate of wetland mitigation projects from 50% to 100%
- Reduce wetland banking final decisions from 2 years to 15-17 months.
- Improve compliance and monitoring by conducting site visits to 75% of completed mitigation projects within 18 months of receipt of as-builts.
- Complete wetland banking rule in 2008.
- Demonstrate Watershed Characterization as a promising standard for watershed-based mitigation by providing assistance to 3-4 local jurisdictions over the next biennium.
- Promote effective mitigation through training and outreach.

Implementing the Initiative

- Promote and participate in interagency/stakeholder-developed solutions
- Implement changes in mitigation practices based on latest science
- Develop watershed-based approach to mitigation
- Test promising mitigation concepts and tools through pilot projects
- Provide guidance and training to promote more successful approaches to mitigation
- Improve compliance and monitoring of approved mitigation proposals
- Improve collection and access to mitigation data



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How will we sustain our remaining wetlands?

We do this . . .

- Characterize how wetlands function in the watershed
- Develop alternative mitigation plans and strategies

Output

. . . so that . . .

- Wetland decisions are made at the watershed level rather than project by project
- Permit processing time is reduced

Immediate Outcome

Policy Intent

. . . so that . . .

- Critical wetlands and their functions are identified and preserved
- Built wetlands fully replace the function of lost wetlands

Intermediate Outcome

. . . so that . . .

No net wetland function is lost within a watershed

Ultimate Outcome

Ecology Influence

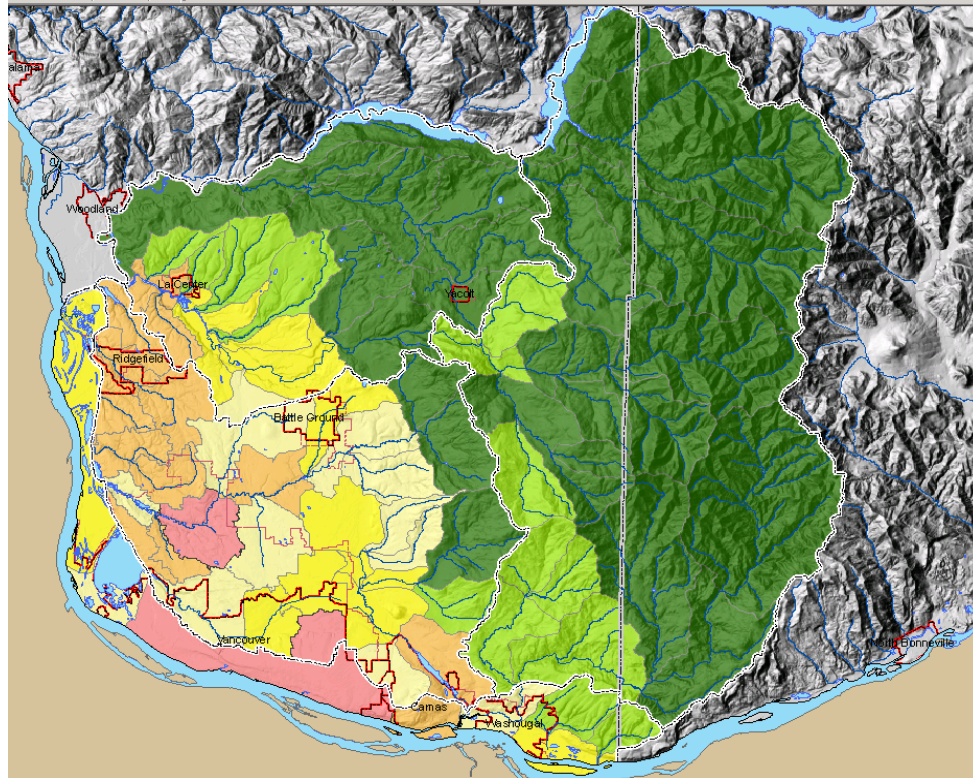


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Since the December GMAP on Wetland Mitigation we have...

- Progressed on four pilot projects
- Conducted an assessment of watershed characterization
- We are discussing In-lieu fee program possibilities with King County
- Secured \$1.9 million budget add
- Initiated basin planning talks in two basins
- Advanced wetland banking actions
- Geared up to participate in Office of Regulatory Assistance pilot

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Dark Green = Priority 1 Protection
 Light Green = Priority 2 Protection
 Bright Yellow = Priority 1 restoration
 Light Yellow = Priority 2 restoration
 Tan = Priority 3 restoration
 Raspberry = Lower Priority

Clark County Pilot

Objective

Develop “measures to protect habitat function and values while accommodating urban growth in the region.”*

Timeframe

- September 2006 - **June 2007**

Impetus

- Development pressure in a rapidly growing region

Outputs

- Final map will identify priority areas for protection and restoration
- Will provide mitigation framework for locating best mitigation sites and wetland banks
- Detailed characterization for Battleground and Ridgefield will guide comprehensive planning

* From budget proviso



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Snohomish County Pilot Project

Objectives:

Create an integrated mitigation planning tool by combining Ecology's watershed characterization, WDFW's Local Habitat Assessment, and Snohomish County's Salmon Recovery Sub-basin Strategies.

Provide a GIS planning framework to the County for use meeting multiple planning mandates, including:

Comprehensive Plan Updates

Critical Areas Ordinance Updates

Prioritization of areas in the County best suited for restoration

Establishment of an initial framework for deciding when off-site mitigation might be preferable to on-site.

Since December 2006:

- Finalized work plan and pilot objectives
- Met 4 times with City of Everett and Snohomish County to establish goals and coordinate resources.
- Completed draft Watershed Characterization.
- Coordinated with Department of Fish and Wildlife to complete local habitat assessment for same geographic area.

Next Steps:

- Finalize characterization.
- Develop regional mitigation planning tool by integrating watershed characterization with local habitat assessment.
- Analyze results of pilot and revisit 2000 Interagency Policy Agreement.
- Provide results of pilot to Multi-Agency Permitting second pilot project team for guidance in selecting mitigation sites.



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Birch Bay Pilot

Objective

- Integrate characterization tools to meet multiple mandates (WDFW, Ecy, WSDOT, ACOE, EPA)

Funding

- \$110,000 / Ecology & PSAT

Timeframe

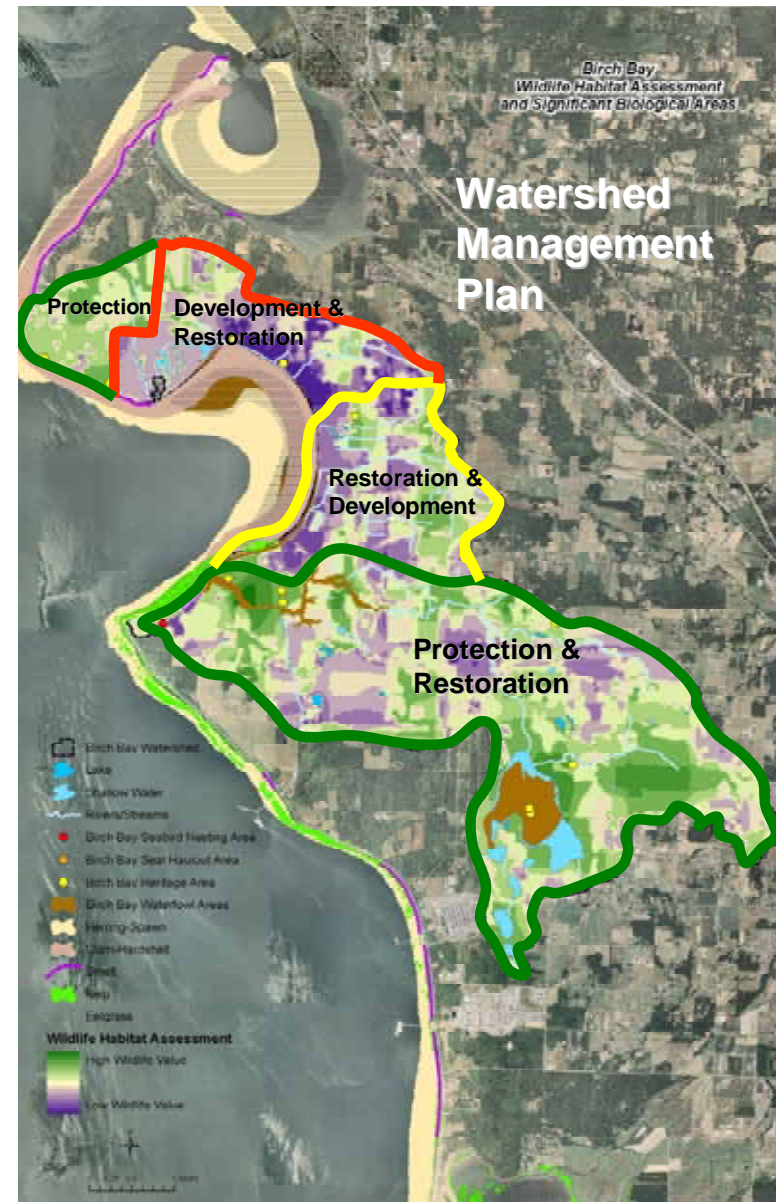
- June 2006 – **June 2007**

Impetus

- Grant to demonstrate utility of integrated tool for watershed-based planning

Outputs

- Ecosystem-based watershed plan
- Integrate existing plans for SMP and GMA
- Outline comprehensive mitigation strategies
- Options to streamline local permit review
- Draft stormwater action plan
- Characterization only a portion of cost and timeline





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Wetland Banking

5 meetings with Advisory Group

- Developed recommendations on Prospectus requirements and Coordination of Public Notice.
- Public Notice on Clark County Bank issued in March 2007; joint public workshop with Corps & Clark County held in April.
- Draft technical documents for Clark County for 2 of 6 sites and Draft Mitigation Banking Instrument (MBI) by end of June.
- Proposed Skagit bank: Resumed technical review in May
- Proposed Nookachamps bank: Final MBI and 401 water quality certification by end of June.
- Model ordinance language provided in comments to local jurisdictions on CAO updates as a standard comment.

Current number of actual banking credits available: 73.17

Potential number of credits available: 409

Credits released since December 2006 for the following banks:

Skykomish: 16.95

North Fork Newuakum: 4.93

Moses Lake: 1.00



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Bank Name	Credits released since Dec 2006	Total credits available at bank	Total potential credits at bank
North Fork Neuwaukum	4.93	29.84	78.39
Springbrook	-	4.5	45.12
Moses Lake	1.0	2.65	5
Snohomish Habitat Bank	-	19.23	163.1 (Phases 1-3)
Skykomish Habitat Bank	16.95	16.95	113 (Phases 1A & 1B)
Meadowcroft	-	1	7.31



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Office of Regulatory Assistance: Clark County Pilot

Objective:

- Develop a multi-agency permit decision-making support tool.

Goals:

- Faster and more predictable permitting
- Better environmental outcomes
- Mitigation that works on a watershed scale

What it will do:

- Map the steps required to obtain a permit.
- Identify information used by biologists and other environmental professionals to develop Best Management Practices (BMPs).
- Identify relevant BMPs.
- Match best BMPs to specific projects according to location, type of development activity, and timing.
- Incorporate watershed characterization information to support development of a "Mitigation Marketplace."

Ecology's Role:

- To assist in developing the tool in coordination with state, federal and local partners.
- To provide Ecology-specific expertise in the form of permit decision making processes (i.e. 401), data layers (e.g. watershed characterization map), and system architecture support.
- Ecology has signed a multi-agency agreement to participate in the project.
- Staff resources will be funded partially by ORA and partially through Ecology's Mitigation that Works budget add.
- Will require participation on Steering Committee, Permitting & Mitigation Design Delivery Team, and IT Design and Delivery Team.



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Innovative Basin Planning

Objective:

- Facilitate basin planning to identify regional treatment facilities and/or natural drainage options that result in better, more cost-effective stormwater management options.

Outputs:

- Superior stormwater management conducted on a basin scale
- Allows governments to coordinate efforts, pool resources, ensure consistent methodologies and standards, and better protect aquatic resources
- May achieve environmental objectives beyond traditional mitigation by creating habitat, green space and other values
- Pilot new process and modeling tools that can be exported to other basins

Impetus:

- Convergence of large transportation projects and issuance of stormwater permits

Benchmarks:

- July 08: Final scope of work for partial basin planning (Juanita Creek/Kirkland)
- July 08: Draft scopes of work for full basin planning (Forbes Creek/Kirkland and Kelsey Creek/Bellevue)
- July 08: Add fisheries interests (i.e., state, federal and tribal) to existing discussions
- August-September 08: Confirm fund sources to initiate all three planning efforts
- Spring 10: Begin implementation of Juanita Creek basin plan
- Summer 10: Begin implementation of Kelsey and Forbes Creek basin plans



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Avoidance is Top Mitigation Priority:

The total number of jurisdictions required to adopt revised Critical Areas Ordinances is 320...

Of the 320:

- 109 have adopted Critical Area Ordinances (34%)

Of the 109 jurisdictions that have adopted Critical Area Ordinances:

- 101 have been commented on by Ecology (93%)
- 85 have adopted Ecology's wetland rating system (79%)
- 45 have adopted Ecology's buffer recommendations (41%)
- 73 have adopted Ecology's Mitigation Guidance (67%)



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FOCUS AREA

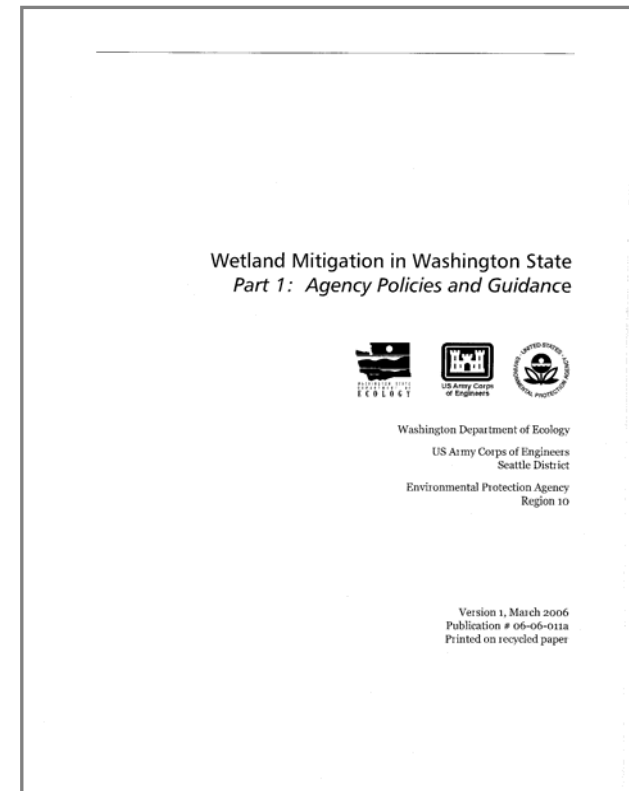
Improving Compliance



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Components of an Effective Wetland Regulatory Program

- Emphasize avoidance / minimization of wetland impacts
 - Public outreach/education
 - Permit review
- Ensure successful compensation of unavoidable wetland losses
 - Improved site selection and design (mitigation guidance, watershed characterization)
 - **Agency follow-up (compliance)**
- Enforcement
 - Wetland permit conditions
 - Construction site
 - Compensatory mitigation site
 - Unauthorized filling of wetlands
- **Evaluate the effectiveness of the program in achieving “no net loss” of wetland area, functions, or both**





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Overall Goal

“Improve the success rate of wetlands mitigation from 50% to 100%”

Measuring “success”

1. Did the applicant comply with the conditions of their permit?
2. Is the mitigation site ecologically successful? i.e., Does the mitigation site compensate for what was lost?

Compliance may NOT = success

Success may NOT = compliance





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How will ongoing work affect the “success” of mitigation?

- Provide training on mitigation guidance = applied to current permitting decisions
 - Emphasis on avoidance/minimization
 - Better mitigation plans and proposals
- Utilize watershed characterization work
 - Mitigation will be sited in locations appropriate for the landscape
- Provide comments on local government Critical Area Ordinances to ensure inclusion of best available science
- Local governments will apply mitigation guidance consistent with Ecology’s latest guidance

How will compliance work affect the “success” of mitigation?

- **Follow-up on permit conditions**
 - Ensure what was permitted is implemented and maintained
 - Learn from past permit decisions and feedback in to current
 - Determine whether the mitigation resulted in a net loss of area, functions, or both (we will not be able to calculate until the end of the monitoring period, 5 to 10 yrs from now)
- **Enter wetland data to establish a baseline**
 - acreage of permitted fill
 - acreage of required mitigation
 - actual mitigation achieved (we will not be able to report on this for at least 5 years)



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Core Performance Measure

For at least 75% of wetland mitigation projects we will conduct a site inspection within 18 months of receipt of the as-built.

- 2004 permits
 - *21 total mitigation sites
 - 9 sites inspected
 - 12 no as-built received
- 2005 permits
 - *41 total mitigation sites
 - 5 sites inspected
 - 33 no-as-built received
 - 3 as-built received



*Based on wetland data as of 12/31/2006



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Mitigation Site Status

- **In 2006, review focused on the 24* projects resulting in impacts to wetlands that Ecology approved and conditioned (including 401 WQC and AOs) in 2004:**
 - 9 - compliance visits completed
 - 6 – mitigation site constructed or nearly completed
 - 1 – mitigation site construction has not begun
 - 1 – mitigation being negotiated (applicant has declared bankruptcy)
 - 1 – project is being redesigned (discovery of cultural artifacts)
 - 1 – programmatic mitigation plan to be developed by 2009
 - 1 – wetland impact has not occurred
 - 1 – project has not received approval from the Corps
 - 2 – no mitigation required or no wetland conditions
 - 1 – project was cancelled
- **In 2007, we are focusing on review of the 49* projects approved in 2005, plus those pending from 2004 permits.**

**# of projects affecting wetlands based on query from database. Not all of these projects had wetland conditions or requirements for mitigation. We don't know this until we pull the project file.*



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Work Plan Measures

Develop procedures to ensure compliance with wetland mitigation permit requirements

- Develop site inspection forms
 - As-built conditions (Done)
 - Interim year conditions (Done)
 - End of monitoring conditions (In Progress)
 - *This will be when we look at ecological success
- Develop templates for follow-up letters (Done)
- Develop a quality assurance plan (Done)





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Work Plan Measures

Improve data collection and availability

- Enter backlog of wetland data in to the Aquatics Project Tracking System (APTS). (In Progress)
- Develop standardized data entry parameters for future permitted mitigation sites. (In Progress)
- Currently using the data to identify potential sites for compliance review. (Ongoing)

Provide training on the recently adopted interagency guidance, “Wetland Mitigation In Washington State” a minimum of 2 times in 2007.

- Two training workshops for local governments completed to date (March 2007). More planned for the fall.

Data We Are Tracking

Aquatic Project Tracking System (Aquatics)

- # of projects affecting wetlands
- acreage of permitted fill
- acreage of required mitigation
- actual mitigation achieved (we will not be able to report on this for at least 5 years)

Data from compliance team

- Status of mitigation sites
- # of site visits conducted within 18 months of receipt of an as-built



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Follow-up = Positive Results

- Permittees responding to our requests for information.
- Results in improved wetland protection.
- While doing follow-up, we learned valuable lessons to improve current permitting decisions.
- Joint agency site visits provide opportunities for cross-training and “getting on the same page.”





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Next Steps:

- Finalizing staffing and program plans in response to \$1.9M budget add. Developing curriculum for “Mitigation that Works” Training.
- Currently scoping a Conference/Forum on innovative mitigation strategies.
- Consistent budget proviso, developing plan for programmatic approaches in Whatcom County, with priority given for wetland characterization.
- Launching an Ecology-led Stakeholder group to address mitigation issues across state, federal, local, nonprofit and private spheres:
 - Washington needs a comprehensive mitigation strategy
 - No single entity has responsibility or authority over all the possible approaches to compensatory mitigation
 - Ecology’s leadership in this area must recognize Ecology’s “niche” in mitigation, seeking collaboration from local government, state and federal agencies and nonprofit organizations